

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2130.04
COMPLAINT INVESTIGATOR:	Jennifer Cambell
DATE OF COMPLAINT:	May 18, 2004
DATE OF REPORT:	June 15, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	September 28, 2004

COMPLAINT ISSUES:

Whether the MSD of Washington Township violated:

511 IAC 7-25-5(a)(b) and (c) by failing to follow the required procedures upon a parent's request for an independent educational evaluation (IEE).

FINDINGS OF FACT:

1. The Student is eleven years old and eligible for special education and related services as a student with other health impairment.
2. A CCC meeting was held on March 23, 2004, to review the Student's individualized education program (IEP). At this meeting, the Complainant requested an independent educational evaluation (IEE) at public expense and placed the request in writing in the Dissenting Opinion Section of the IEE. The Complainant also faxed a letter to the public agency on April 5, 2004, requesting an IEE at the School's expense. The Director notified the Complainant in writing on April 5, 2004, that the public agency "accepted" the request for an IEE, and recommended Children's Resource Group conduct the evaluation. The Director also enclosed in the letter the Parent Permission for Evaluation and the Release of Information forms for the Complainant to sign and return in the self-addressed, stamped envelope. The letter did not include names, addresses, or qualifications of the Children's Resource Group's examiners or a list of other examiners besides Children's Resource Group that meet the School's IEE criteria—that an IEE, at public expense, must meet the criteria the public agency uses when it conducts its own evaluations.
3. Upon receipt of the April 5, 2004, letter from the Director, the Complainant called the public agency to request other examiners to choose from besides Children's Resource Group. In early May, the Director sent to the Complainant names and addresses of two other agencies qualified to conduct the IEE. The Complainant chose an examiner from one of the two agencies and submitted to the public agency on May 26, 2004, the Parent Permission for Evaluation and Release of Information forms. On June 2, 2004, the public agency sent the examiner the Student's records and a letter, dated May 24, 2004, stating the School "would incur costs for the evaluation up to, but not to exceed \$1500.00." The public agency does not place cost limits on IEEs. The \$1500.00 figure was put into writing to ensure the examiner that the public agency would incur the examiner's fee quoted to them over the phone as well as for auditing and payroll purposes. When making arrangements for contracted services, the MSD of Washington Township asks that the public agency identify the scope of services and the total cost or a "not to exceed" cost statement. The Student's IEE is scheduled for July 5, 2004.

4. Although the public agency did accept the Complainant's request for an IEE within ten business days of the day of the request, the public agency did not notify the Complainant in writing that the IEE would be at public expense.

CONCLUSION

1. (a) Finding of Fact #2 indicates the School failed to provide to the Complainant upon request of an IEE, a list of names, addresses, and qualifications of examiners that meet the public agency's IEE criteria. It is not sufficient for the public agency to provide one name or source upon request of an IEE. Therefore, a violation of 7-25-5(a) is found.

(b) Finding of Fact #3 shows that the public agency plans to provide the IEE at no cost to the Complainant. Therefore, no violation of 511 5-25-5(b) is found.

(c) Finding of Fact #4 indicates the School failed to notify the Complainant in writing that the IEE would be at public expense. Therefore, a violation of 511 IAC 7-25-5 (c) is found.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The MSD of Washington Township shall:

submit a memorandum to appropriate personnel as to the requirements specified in 511 IAC 7-25-5. Submit to the Division no later than September 10, 2004, a copy of the memorandum and signatures of personnel who received the memorandum.